DATE: 12-23-02	APPL. S.N.: 071022,117	
TO EXAMINER: U. Bula subromian	ART UNIT:/624	
MOSE MONTGOMERY ROOM ILE 18	MAILROOM DATE 12-9-02	
AFTER FINAL YESNONUMBER OF T.D(S). FILED		
[ ] The T.D. is PROPER and has been recorded. (See 14.23).		
The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).		
[ ] The recording fee of \$ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)		
[ ] Application Examiner has not processed T.D. fee. (See fee authorization).		
[ ] The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).		
[ ] The T.D. tacks the enforceable only during the common owership cannot be seen as 1.21(c). (See 14.27, 14.27.01).	ause needed to overcome a double patenting rejection,	
[ ] It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).		
[ ] The person who signed the terminal disclaimer: [ ] has falled to state his/her capacity to sign for the business [ ] is not recognized as an officer of the assignee, (See 14.29)	entity, (See 14.28). and possibly 14.29.01).	
[ ] No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). <u>NOTE</u> : This documentary evidence or the specifying of the reel and frame may be found in the T.D. <u>or</u> in a seperate paper <u>submitted by applicant</u> . (See 14.30).		
[ ] No "statement" specifying that the evidentiary documents have been knowledge and belief the title is in the assignee seeking to take action. 37	reviewed and that, to the best of the assignee's 7 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).	
[ ] The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not	ot signed by all the owners.	
[ ] Attorney not of record in oath/decl. or a seperate paper filed appointi	ng a new or associate attorney. (See 14.29.01).	
The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).		
[ ] The serial number of this application (or the number of the patent in or incorrect. (See 14.26, 14.26.04 or 14.26.05).	reexam or reissue case(s) being disclaimed is missing	
[ ] The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)(For Samples 14.27.04 and 14.27.05)		
[ ] Other:		
Suggestion to request refund of \$ (See 14.35, 14.36).		
[ ] EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP		
FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:		
[ ] Sample fa TD over a pending application and assignee Certificate (See 14.37). [ ] Sample fa TD over a prior patent and assignee Certificate (See 14.38). [ ] Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)		



## **TECH CENTER 1600/2900**

**PATENTS** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	)

CALDWELL ET AL. )

Serial No: 09/522,117 ) Examiner: V. Balasubramanian

Filed: March 9, 2000 ) Group Art Unit: 1624

For: COMPOUNDS CAPABLE OF ACTIVATING CHOLINERGIC RECEPTORS

## TERMINAL DISCLAIMER UNDER 37 CFR §1.321

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Targacept, Inc. the Owner by assignment, filed in U.S.S.N. 08/631,761 and U.S.S.N. 09/973,419, of 100% of the right, title and interest in and to the above-referenced application for Letters Patent hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 USC §§154-156 and 173, as presently shortened by any terminal disclaimer, of any U.S. patent issuing from U.S.S.N. 08/631,761 and U.S.S.N. 09/973,419. The owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and U.S.S.N. 08/631,761 and U.S.S.N. 09/973,419, and any U.S. patents issuing therefrom, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making this disclaimer, the Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration of the full statutory term, as defined in 35 USC §§154, 156 and 173, of any patent issuing from U.S.S.N. 08/631,761 or U.S.S.N. 09/973,419, as presently shortened by any statutory disclaimer, in the event that any patent issuing from U.S.S.N. 08/631,761 or U.S.S.N. 09/973,419 might later: expire for failure to pay a maintenance fee, or be held unenforceable or be found invalid by a Court of competent jurisdiction,

12/10/2002 CNGUYEN 00000028 090528 09522117

01 FC:1814

110.00 CH RTP 62682vl or be statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, or have all claims cancelled by reexamination certificate or reissued, or be in any manner terminated prior to the expiration of the full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge Deposit Account No. 09-0528 in the amount of \$110.00 for the required terminal disclaimer fee under 37 CFR §1.20(d). The Commissioner is authorized to charge any fee deficiencies or credit any overpayment of fees to Deposit Account No. 09-0528. This Terminal Disclaimer under 37 CFR §1.321 is submitted in duplicate.

The undersigned is an attorney of record in the present application.

December 3, 2002

David S. Bradin, Esq. Registration No.: 37,783

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC P. O. Box 7037 Atlanta, Georgia 30357-0037 (919) 484-2382 (telephone) (919) 484-2084 (facsimile)

Docket No. T103 1300.2